
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

QUINCY NELSON,

§

Plaintiff,

§

versus

§

DEBORAH PHILLIPS, *et al.*,

CIVIL ACTION NO. 9:20-CV-198

§

Defendants.

§
§
§
§

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Quincy Nelson, a prisoner previously confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Deborah Phillips, Shelly Soutler, Iris Driskell, and Bruce Johnson.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the action pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes

the objections are without merit. Plaintiff raised a number of new claims in his objections. Those claims will not be considered because they were raised for the first time in Plaintiff's objections to the report and recommendation. *Omran v. Prator*, 674 F. App'x 353, 355 (5th Cir. 2016).

ORDER

Accordingly, Plaintiff's objections (#80) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#78) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 21st day of August, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE